

Applicant Initiated Interview Request Form

Application No.: 10/758,574 First Named Applicant: Agrawala
Examiner: C. H. Nguyen Art Unit: 2173 Status of Application: Pending

Tentative Participants:

(1) Richard Lyon, Reg. No. 37,385 (2) Examiner C. H. Nguyen
(3) (4)

Proposed Date of Interview: 8/7/08 Proposed Time: 2:00PM (EDT) (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rejection (101)	27		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Rejection (103)	1-38	Ho/Salesky	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

(See Attached Agenda)

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.


(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AGENDA FOR EXAMINER INTERVIEW FOR S/N 10/758,574

The following amendments and arguments are what I propose presenting in the next step in the prosecution.

a) Proposed Claim Changes

1. (proposed) A system for controlling a shared display, comprising:
a general purpose computing device comprising a display device; and
a computer program comprising program modules executable by the computing device, comprising,

a plurality of input modules each providing a different communication modality, and which collectively input information from multiple users,

a logic module comprising an application running on the shared display which based on the user-inputted information generates display instructions and data pertaining to the running of said application, wherein said user-inputted information comprises at least one of video data or audio data or document data,

a layout module which based on the display instructions and data from the logic module generates layout instructions and packages data for display, and

a display module which receives the layout instructions and data from the layout module and employs the same to display content in the shared display on the shared display device.

27. (proposed) A computer-implemented process for controlling a shared display on a display device, comprising using a computer to perform the following process actions:

establishing multiple input modalities to input information from multiple users, wherein at least one of the input modalities is characterized by a latency greater than about 1.0 second, and wherein said user-inputted information comprises at least one of video data or audio data or document data; and

inputting the user information from the multiple input modalities to a single computer program which employs the user information to control the content displayed on in the shared display on the display device.

28. (proposed) A system for controlling a shared display, comprising:

a general purpose computing device;

at least one display device showing the shared display; and

a computer program comprising program modules executable by the computing device, comprising,

a plurality of input modules each providing a different input modality at least one of which is characterized by a latency exceeding about 1 second, and which collectively input information from multiple users, wherein said user-inputted information comprises at least one of video data or audio data or document data,

an application module which receives the user information from the input modules and which based on the information generates display layout instructions and packages data for display, and

a display module which receives the layout instructions and data from the application module and employs the information and data to display content on in the shared display on the display device.

35. (proposed) A computer-readable medium having computer-executable instructions for controlling a shared display on a display device, said computer-executable instructions comprising:

establishing multiple input modalities to input information from multiple users, wherein at least one of the input modalities is characterized by a latency greater than about 1.0 second, and wherein said user-inputted information comprises at least one of video data or audio data or document data; and

inputting the user information from the multiple input modalities to a single computer program which employs the user information to control the content displayed on in the shared display on the display device.

b) The Section 101 Rejection of Claim 27

Claim 27 was rejected under 35 USC 101 as being directed toward non-statutory subject matter. In essence, the Examiner contends that the claims are directed toward what amounts to a computer program *per se*. The applicant respectfully disagrees.

The applicant is not claiming a computer program *per se* as contended in the Office Action. Generically, the preamble of independent Claim 27 reads:

"A computer-implemented process for..., comprising using a computer to perform the following process actions:"

Thus, the applicant is claiming a process implemented on a computer where the actions of the process are performed using the computer. This is statutory subject matter.

As stated in the MPEP (see Section 2106.01 (1) at Page 2100-18, Rev. 6, September 2007):

"Computer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. **The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program.**" (*emphasis added*)

Clearly, in the case of Claim 27, the actions are being claimed as part of a statutory process—namely a process with actions that are performed using a computer. Accordingly, given that Claim 27 is directed toward statutory subject matter, it is respectfully requested that the rejection be reconsidered.

c) The Section 103(a) Rejection of Claims 1-38

Claims 1-38 were rejected under 35 USC 103(a) as being obvious over Ho et al., U.S. Patent Application Publication No. 2005/0066284, in view of Salesky et al., U.S. Patent No. 6,343,313. In response, the applicants propose amending these claims to make them patentable over the cited combination. More particularly, independent Claims 1, 27, 28 and 35 will be amended to include a recitation of what kind of user-inputted information is input and used to display content on a shared display.

The applicants would claim:

"a logic module comprising **an application which based on the user-inputted information generates display instructions and data, wherein said user-inputted information comprises at least one of video data or audio data or document data**, a layout module which based on the display instructions and data from the logic module generates layout instructions and packages data for display, and a display module which

receives the layout instructions and data from the layout module and employs the same to display content in the shared display on the display device" (see Claims 1-26);

"establishing multiple input modalities to input information from multiple users, wherein at least one of the input modalities is characterized by a latency greater than about 1.0 second, **and wherein said user-inputted information comprises at least one of video data or audio data or document data**; and inputting the user information from the multiple input modalities to a single computer program which **employs the user information to control the content displayed in the shared display on the display device**" (see Claim 27)

"a plurality of input modules each providing a different input modality at least one of which is characterized by a latency exceeding about 1 second, and which collectively input information from multiple users, **wherein said user-inputted information comprises at least one of video data or audio data or document data**, an application module which receives the user information from the input modules and which based on the information generates display layout instructions and packages data for display, and a display module which receives the layout instructions and data from the application module and **employs the information and data to display content in the shared display on the display device**" (See Claims 28-34)

"establishing multiple input modalities to input information from multiple users, wherein at least one of the input modalities is characterized by a latency greater than about 1.0 second, **and wherein said user-inputted information comprises at least one of video data or audio data or document data**; and inputting the user information from the multiple input modalities to a single computer program which **employs the user information to control the content displayed in the shared display on the display device**" (See Claims 35-38).

The feature in the foregoing claims "wherein said user-inputted information comprises at least one of video data or audio data or document data" will be referred to in the following argument as the input data feature. The feature in the foregoing claims where the inputted user information is used to control or display the content in the shared display on the display device will be referred to in the following argument as the shared display feature.

The Ho-Salesky combination does not teach either the claimed input data or the shared display features. The Examiner has already stated in the Office Action that Ho does not teach a display module which receives layout instructions and data, and employs the same to display content in the shared display. Thus, Ho does not teach the claimed shared display feature. Ho also lacks a teaching of the claimed input data feature as there is no mention of user-inputted information being used to generate layout instructions and data for a shared display that include at least one of video data or audio data or document data. Salesky also lacks these teachings.

More particularly, Salesky describes a shared display that is shown on a display device and whose content comes almost exclusively from prescribed sections of the display screens associated with one or more presenters. Thus, Salesky's shared display is generated from inputted images. The only exceptions involve coordinates for generating and locating pointers associated with certain participants, and certain commands (such as one to change the color map). None of these inputs involves video data or audio data or document data.

Granted, the Examiner contended in the Office Action that Salesky did teach a user inputting video data, audio data and document data, which would then presumably used in generating the shared display. The applicants respectfully disagree. As to video and audio data, the Examiner in rejecting Claims 24 and 25, indicated Salesky teaches their input via Fig. 8B and its description at Col. 23, lines 1-44. However, the only inputs shown in that figure and description that might be

construed as video or audio are the replay inputs. More particularly, the cited section of Salesky reads:

"FIG. 8B illustrates a more complex conference server which handles the more general case. The server in the general case might maintain additional output and additional input queue components for transmitting information to other servers and for storage services, including caching, short-term storing, recording, and archiving, and for later playback. These purposes are distinguished as follows: caching provides fast memory hardware support in improving the performance of the server; short-term storage provides backup and refresh capability for extremely slow or temporarily disconnected clients, for newly connected servers that may need information older than that normally held in the output queue, for quick-turnaround failure recovery, and for other short-term needs; **conference sessions are recorded when they are primarily intended for later viewing by users of the system who may or may not be participating in the session; an archival session captures all or part of a meeting as it occurs and is intended for users who typically were conferees in that session and have a reason to review the session later.** Uses of recorded sessions, especially when they incorporate synchronized voice, include live online training sessions that also serve for future offline training, technical and marketing demonstrations, and formal presentations that can be broadcast or accessed remotely at will. Archived sessions have uses other than review, including briefing absentees, capturing interactions involving or aiding technical support, evaluating sales personnel, and the like. Of course, these needs and characterizations are not exclusive or exhaustive.

Possible features and methods for storage handling will now be listed. The emphasis will be on recording and archiving, but shorter term storage modes will share many of these characteristics.

During any session, there can be multiple "storage server" queues, or "storage streams," saving output to one or more media. These can be controlled by the server itself, by recorder-like interfaces (similar to a video cassette recorder, or "VCR") at the clients, or by other interfaces operated by conferees. Each stream can be independently controlled, or one controller can control multiple storage streams. The storage facility can operate concurrently in an ongoing meeting to record a live conference, or it can be used by itself to capture a recording for later replay". (*emphasis added*)

As can be seen from the foregoing excerpt, the replay inputs are used in non-conference situation to review a previously held conference. The replay data is not used to generate a shared display, only to show a previously created one. A person viewing a replayed conference cannot change the shared display by entering video or audio data.

In regard to document data, the Examiner in rejecting Claim 26, indicated Salesky teaches its input at Col. 30, lines 15-62. This section of Salesky reads:

"A potential conferee 17(a) has navigated his or her WWW browser to Web server 30(a), and has asked through the Web page presented to connect to the meeting (as described above in the discussion of FIG. 2). There may be alternative ways, indicated here as 30(b),(c), to connect to the meeting, including direct access to the meeting manager or its database 34 (called here "Meeting DB"). The meeting manager uses this database to hold information concerning the meeting (the database need not be on the same computer as the meeting manager). This information was created when the person who set up the meeting requested that the meeting be scheduled, gave descriptive information for the meeting, specified the keys and privileges, and provided other administrative information. The database is reconfigurable and easily extensible to include many and varied meeting attributes. It may be accessed by a programming interface. **Potential new conferee client 17(a) sends a request to join the meeting,**

and then supplies the key for the meeting that the potential conferee has obtained previously. Potential client 17(a) may also send previously selected identification information such as icon, gong, etc., and this may be stored in Meeting DB or in some other sort of directory service. After the meeting manager has validated potential client 17(a), it sends a message that causes the client software to run on the potential client and then sends that client software the address information for the CSS, such as a URL and port number. At that time, the client software may also receive address information for backup CSSs in case the connection to the meeting fails and automatic or manual attempts to reconnect to the initial CSS fail as well. The client then connects to the meeting, and may pass to the CSS its identification information.

A CSS is created to supervise a single meeting. The monitoring-filtering-queueing structures and procedures of FIGS. 8A,B are performed by the CSS, so FIGS. 8A,B could be viewed as part of the internal working of each CSS in FIGS. 11-22 (in the case of distributed server functions described in FIGS. 9D-F, only part of FIGS. 8A,B might be descriptive of a particular CSS). Indeed, there will be a version of FIG. 8A applying to each data stream the CSS handles as multipoint real-time traffic from a presenter client. The structure of FIG. 8B shows schematically how these and other multiple input and output data streams are processed. The CSS also handles other input from and output to clients, such as information about attendee and presenter clients that helps with flow control, commands or requests from clients, labeled pointer icon positions, and other stream data and control traffic".

As can be seen in the foregoing excerpt, the only discussion of user inputs involves a request to join, keys, potentially identification information, request for attendee/presenter information, and so on. None of this is document data that is input to control or display content in the shared display.

In further regard to Claim 16, the applicants claim, "the application associated with the logic module comprising one of (i) a computer game, (ii) an electronic bulletin board, (iii) a voting/polling tool, (iv) a web browsing tool, (v) a computer graphics program or (vi) a lottery tool". The Examiner contends in the Office Action that this is taught in Salesky at Col 23, lines 1-33. The section of Salesky reads:

"FIG. 8B illustrates a more complex conference server which handles the more general case. The server in the general case might maintain additional output and additional input queue components for transmitting information to other servers and for storage services, including caching, short-term storing, recording, and archiving, and for later playback. These purposes are distinguished as follows: caching provides fast memory hardware support in improving the performance of the server; short-term storage provides backup and refresh capability for extremely slow or temporarily disconnected clients, for newly connected servers that may need information older than that normally held in the output queue, for quick-turnaround failure recovery, and for other short-term needs; conference sessions are recorded when they are primarily intended for later viewing by users of the system who may or may not be participating in the session; an archival session captures all or part of a meeting as it occurs and is intended for users who typically were conferees in that session and have a reason to review the session later. Uses of recorded sessions, especially when they incorporate synchronized voice, include live online training sessions that also serve for future offline training, technical and marketing demonstrations, and formal presentations that can be broadcast or accessed remotely at will. Archived sessions have uses other than review, including briefing absentees, capturing interactions involving or aiding technical support, evaluating sales personnel, and the like. Of course, these needs and characterizations are not exclusive or exhaustive.

Possible features and methods for storage handling will now be listed. The emphasis will be on recording and archiving, but shorter term storage modes will share many of these characteristics".

There is absolutely nothing in the foregoing excerpt to suggest that the claimed logic module includes a computer game, or an electronic bulletin board, or a voting/polling tool, or a web browsing tool, or a computer graphics program, or a lottery tool.

In further regard to Claim 33, the applicants claim, "the application module comprises a sub-module for archiving the identity of each user requesting data, as well as when the information was requested and what data was provided to the user". The Examiner contends in the Office Action that the reasons for rejection this claim were discussed with respect to the rejection of Claims 1-9. However, while Claims 5-9 do involved data output to a user, these claims do not address the archiving of "the identity of each user requesting data, as well as when the information was requested and what data was provided to the user". The cited Ho-Salesky combination also lacks any mention of this type of archiving.